

111TH CONGRESS  
1ST SESSION

# S. 352

To postpone the DTV transition date.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2009

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Ms. KLOBUCHAR, Mr. PRYOR, Mr. DORGAN, Mr. SCHUMER, Mr. KOHL, Mr. SANDERS, Mr. HARKIN, and Mr. CASEY) introduced the following bill; which was read twice, considered, read the third time, and passed

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## A BILL

To postpone the DTV transition date.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “DTV Delay Act”.

### 5   **SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.**

6       (a) IN GENERAL.—Section 3002(b) of the Digital  
7   Television Transition and Public Safety Act of 2005 (47  
8   U.S.C. 309 note) is amended—

9               (1) by striking “February 18, 2009;” in para-  
10       graph (1) and inserting “June 13, 2009;”; and

(2) by striking “February 18, 2009,” in paragraph (2) and inserting “that date”.

(b) CONFORMING AMENDMENTS.—

(1) Section 3008(a)(1) of that Act (47 U.S.C. 309 note) is amended by striking “February 17, 2009.” and inserting “June 12, 2009.”.

(2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is amended by striking “February 17, 2009.” and inserting “June 12, 2009.”.

(3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking “February 17, 2009.” and inserting “June 12, 2009.”.

(c) LICENSE TERMS.—

(1) EXTENSION.—The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.

(2) DEFINITION.—In this subsection, the term “recovered spectrum” means—

(A) the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934; and

1 (B) the spectrum excluded from the defini-  
 2 tion of recovered analog spectrum by subclauses  
 3 (I) and (II) of such section.

4 **SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CON-**  
 5 **VERTER BOX PROGRAM.**

6 (a) EXTENSION OF COUPON PROGRAM.—Section  
 7 3005(c)(1)(A) of the Digital Television Transition and  
 8 Public Safety Act of 2005 (47 U.S.C. 309 note) is amend-  
 9 ed by striking “March 31, 2009,” and inserting “July 31,  
 10 2009,”.

11 (b) TREATMENT OF EXPIRED COUPONS.—Section  
 12 3005(c)(1) of the Digital Television Transition and Public  
 13 Safety Act of 2005 (47 U.S.C. 309 note) is amended by  
 14 adding at the end the following:

15 “(D) EXPIRED COUPONS.—The Assistant  
 16 Secretary may issue to a household, upon re-  
 17 quest by the household, one replacement coupon  
 18 for each coupon that was issued to such house-  
 19 hold and that expired without being re-  
 20 deemed.”.

21 (c) CONFORMING AMENDMENT.—Section  
 22 3005(c)(1)(A) of the Digital Television Transition and  
 23 Public Safety Act of 2005 (47 U.S.C. 309 note) is amend-  
 24 ed by striking “receives, via the United States Postal Serv-  
 25 ice,” and inserting “redeems”.

1 (d) CONDITION OF MODIFICATIONS.—The amend-  
2 ments made by this section shall not take effect until the  
3 enactment of additional budget authority after the date  
4 of enactment of this Act to carry out the analog-to-digital  
5 converter box program under section 3005 of the Digital  
6 Television Transition and Public Safety Act of 2005.

7 **SEC. 4. IMPLEMENTATION.**

8 (a) PERMISSIVE EARLY TERMINATION UNDER EX-  
9 ISTING REQUIREMENTS.—Nothing in this Act is intended  
10 to prevent a licensee of a television broadcast station from  
11 terminating the broadcasting of such station’s analog tele-  
12 vision signal (and continuing to broadcast exclusively in  
13 the digital television service) prior to the date established  
14 by law under section 3002(b) of the Digital Television  
15 Transition and Public Safety Act of 2005 for termination  
16 of all licenses for full-power television stations in the ana-  
17 log television service (as amended by section 2 of this Act)  
18 so long as such prior termination is conducted in accord-  
19 ance with the Federal Communications Commission’s re-  
20 quirements in effect on the date of enactment of this Act,  
21 including the flexible procedures established in the Matter  
22 of Third Periodic Review of the Commission’s Rules and  
23 Policies Affecting the Conversion to Digital Television  
24 (FCC 07–228, MB Docket No. 07–91, released December  
25 31, 2007).

1 (b) PUBLIC SAFETY RADIO SERVICES.—Nothing in  
 2 this Act, or the amendments made by this Act, shall pre-  
 3 vent a public safety service licensee from commencing op-  
 4 erations consistent with the terms of its license on spec-  
 5 trum recovered as a result of the voluntary cessation of  
 6 broadcasting in the analog or digital television service pur-  
 7 suant to subsection (a). Any such public safety use shall  
 8 be subject to the relevant Federal Communications Com-  
 9 mission rules and regulations in effect on the date of en-  
 10 actment of this Act, including section 90.545 of the Com-  
 11 mission’s rules (47 C.F.R. § 90.545).

12 (c) EXPEDITED RULEMAKING.—Notwithstanding  
 13 any other provision of law, the Federal Communications  
 14 Commission and the National Telecommunications and  
 15 Information Administration shall, not later than 30 days  
 16 after the date of enactment of this Act, each adopt or re-  
 17 vise its rules, regulations, or orders or take such other ac-  
 18 tions as may be necessary or appropriate to implement the  
 19 provisions, and carry out the purposes, of this Act and  
 20 the amendments made by this Act.

21 **SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.**

22 Section 309(j)(11) of the Communications Act of  
 23 1934 (47 U.S.C. 309(j)(11)) is amended by striking  
 24 “2011.” and inserting “2012.”.

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